

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                   SOUTHERN DIVISION

4

5

6   WALLACE DWAYNE PETERSON, JR.,  
7                   Plaintiff,

8

9                   VERSUS                   CIVIL ACTION NO: 1:20-cv-216-HSO-RHWR

10

11                  PEARL RIVER COUNTY,  
12                  MISSISSIPPI; DAVID ALLISON,  
13                  Individually; and JOHN AND  
14                  JANE DOES 1-10, Individually,  
15                  Defendants.

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19                   DEPOSITION OF TYLER TATE

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21                  Taken at the Pearl River County Sheriff's  
22                  Department, 171 Savannah Millard Road,  
23                  Poplarville, Mississippi, on Monday,  
24                  November 8, 2021, beginning at 2:55 p.m.

25

1 APPEARANCES:

2 G. MORGAN HOLDER, ESQUIRE  
3 Smith & Holder, PLLC  
4 1720 22nd Avenue  
5 Gulfport, Mississippi 39501  
6 morgan@smithholder.com  
7

8 ATTORNEY FOR PLAINTIFF

9 LANCE W. MARTIN, ESQUIRE  
10 Allen, Allen, Breeland & Allen, PLLC  
11 214 Justice Street  
12 Brookhaven, Mississippi 39601  
13 lmartin@aabalegal.com

14 ATTORNEY FOR DEFENDANTS

15

16 ALSO PRESENT: Wallace D. Peterson, Jr.  
17

18

19

20 REPORTED BY:

21 NATALIE R. SEYMOUR, CSR #1637  
22 Schroeder-Lanoux Reporting & Legal Video, Inc.  
220 Glen Eagles Drive  
23 Ocean Springs, Mississippi 39564  
23 (228) 875-2864  
24 Natalie@SchroederLanoux.com  
25

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1 STIPULATION

2 It is hereby stipulated and agreed by and  
3 between the parties hereto, through their  
4 respective attorneys of record, that this  
5 deposition may be taken at the time and place  
6 hereinbefore set forth, by Natalie R. Seymour,  
7 Court Reporter and Notary Public, pursuant to the  
8 Federal Rules of Civil Procedure, as amended;

9 That the formality of READING AND SIGNING is  
10 specifically NOT WAIVED;

11 That all objections, except as to the form of  
12 the questions and the responsiveness of the  
13 answers, are reserved until such time as this  
14 deposition, or any part thereof, may be used or is  
15 sought to be used in evidence.

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1                           TYLER TATE,  
2                           having been first duly sworn, was  
3                           examined and testified as follows:

4                           - - -

5                           EXAMINATION

6    BY MR. HOLDER:

7                   Q.    Can you please state your full name for  
8                   the record, please?

9                   A.    Full name is Tyler Andrew Tate.

10                  Q.    And do you want me to call you Tyler or  
11                  Officer Tate? How do you want me to refer to you?

12                  A.    You can call me Tyler. It doesn't  
13                  matter.

14                  Q.    Tyler, my name is Morgan Holder, and I  
15                  represent Mr. Peterson in this case.

16                  Have you ever had your deposition taken  
17                  before?

18                  A.    No, sir.

19                  Q.    Basically what I'm going to do is, I'm  
20                  going to ask you some questions. If you don't  
21                  understand it, ask me to repeat it. Don't try to  
22                  answer a question you don't understand. That's  
23                  when we get into a whole bunch of confusion. Try  
24                  to verbalize your answers, so Natalie, the court  
25                  reporter, can take it down, rather than doing head

1       nods or uh-huhs and nuh-uhs, that type of stuff.

2                   Having said that, real briefly, what is  
3       your role with Pearl River County?

4                   A.    My rank is sergeant, and I'm currently a  
5       patrol supervisor.

6                   Q.    How long have you been in that capacity?

7                   A.    I've been a sergeant for about a year,  
8       year and a half, but I've been a patrol supervisor  
9       for about three-and-a-half to five years roughly.

10                  Q.    And is that all with Pearl River County?

11                  A.    Yes, sir. Are you asking is that all I  
12      do with Pearl River County?

13                  Q.    No. Your role as patrol supervisor for  
14      the last three-and-a-half to five years, was that  
15      with Pearl River County?

16                  A.    Yes, sir. I also hold other collateral  
17      duties.

18                  Q.    Okay. Were you involved on the Special  
19      Response Team?

20                  A.    Yes, sir.

21                  Q.    Okay. What type of training do y'all  
22      receive for that?

23                  A.    They send us to SWAT school. That's  
24      directed by standards of the State.

25                  Q.    And how often do you have to go?

1                   A.    I went one time to get my certification,  
2    and then there are several other schools that they  
3    may send us to depending on what they require of  
4    us as far as what we do.

5                   Q.    To the best of your recollection, how  
6    many times in, say, the last three years have you  
7    attended any training for the Special Response  
8    Team?

9                   A.    Around four or five.

10                  Q.    Before we get into the specific facts of  
11    this case, did you review any materials before you  
12    came in here to testify today?

13                  A.    No, sir.

14                  Q.    Didn't review any written reports or  
15    statements or anything like that?

16                  A.    No, sir.

17                  Q.    Have you spoken with anybody about your  
18    deposition today other --

19                  A.    No, sir.

20                  Q.    -- than Mr. Martin?

21                  A.    Today, no, sir.

22                  Q.    What about before today?

23                  A.    They told me I had to come in to do a  
24    deposition and that several of the others had  
25    given their deposition.

1                   Q.    Have you spoken with Ryan Stachura or  
2   Shane Tucker or Daniel Quave or Sheriff Allison  
3   about your testimony in here today?

4                   A.    Captain Quave told me that I needed to  
5   get with Mr. Martin in reference to giving my  
6   deposition.

7                   Q.    Okay. Did you know Mr. Peterson prior  
8   to August 2019?

9                   A.    Not that I can recall. I might have  
10   dealt with him while at work, but none that I can  
11   remember.

12                  Q.    Okay. To the best of your knowledge,  
13   you never encountered him before that day?

14                  A.    Not that I can recall, no, sir.

15                  Q.    How many search warrants had you  
16   executed in the past prior to 2019?

17                  A.    That's kind of hard to recall.

18                  Q.    Would you say more than 10?

19                  A.    Before 2019, maybe around that range.

20                  Q.    This wasn't your first one, I guess is  
21   what I'm --

22                  A.    Not that I can -- no, sir.

23                  Q.    Do you recall who the officer in charge  
24   was?

25                  A.    Not that I can recall, no.

1           Q.    Do you recall when you first learned of  
2   the plan to execute this warrant?

3           A.    Can you elaborate, please?

4           Q.    When did you first learn that y'all were  
5   going out to Mr. Peterson's house to execute a  
6   search warrant?

7           A.    Probably that day.

8           Q.    And do you recall if it was in the  
9   morning when y'all did this?

10          A.    I believe so, yes, sir.

11          Q.    And did y'all have a meeting beforehand?

12          A.    Yes, sir.

13          Q.    Do you recall where that was?

14          A.    I believe it was somewhere on the  
15   sheriff's department premises.

16          Q.    Would that be this premises?

17          A.    Like somewhere on the property. Not in  
18   this room, but --

19          Q.    Somewhere on this parcel of land, where  
20   we are today?

21          A.    Yes, sir.

22          Q.    Do you recall who was present?

23          A.    I can recall several people, but I  
24   wouldn't be able to tell you everyone.

25          Q.    Tell me who you definitely know were

1 there during that time with certainty.

2 A. At the meeting?

3 Q. Yes.

4 A. Based on the search warrant, I remember  
5 who was at the search warrant.

6 Q. I'm talking about beforehand at the  
7 meeting.

8 A. I know. I can't quite recall.

9 Q. I just want to know exactly. If you're  
10 not certain somebody was here, don't mention them.

11 So who do you know for certain that was  
12 at that, we'll call it, operations meeting?

13 A. Captain Quave, Captain Edgar, myself.

14 I'm sorry. We've had several people come and go  
15 since 2019.

16 Q. I understand.

17 A. Major Williams. I'm not sure if I can  
18 recall anyone in the meeting that's still on the  
19 team today, because we have several people that  
20 are -- have been on the team -- added on since  
21 then.

22 Q. Do you know if Shane Tucker was present  
23 at that meeting?

24 A. He may have been, but --

25 Q. But you can't say with certainty?

1 A. I can't say with certainty.

2 Q. What about Ryan Stachura?

3 A. Same answer. He may have been, but I  
4 can't say with absolute certainty.

5 Q. Do you know who was kind of running the  
6 meeting, so to speak?

7 A. I can't really recall.

8 Q. Okay. Well, generally speaking, when  
9 y'all have these operations meetings, is there one  
10 officer that's kind of basically telling everybody  
11 else, here's what your role is going to be, you  
12 know, this is the order we're going in kind of  
13 thing?

14 A. Well, we have a team commander, but that  
15 individual might not be the person who's always  
16 directing the meeting. Do you understand what I'm  
17 saying?

18 Q. Yeah, I understand. Out of yourself and  
19 Officer Quave, Officer Edgar, Officer  
20 Williams -- let me ask you this: Were you running  
21 the meeting?

22 A. No, sir.

23 Q. And you don't recall whether Officer  
24 Williams was?

25 A. No, sir.

1 Q. Or whether Officer Quave was?

2 A. I don't recall, no.

3 Q. Or whether Officer Edgar was?

4 A. No, sir.

5 Q. Do you recall the information you  
6 learned in that meeting insofar as the process in  
7 executing the warrant?

8 A. Can you ask that again, please?

9 Q. Yeah. When y'all were getting ready to  
10 leave to go execute the warrant, do you recall  
11 what the -- generally speaking, what the procedure  
12 was, the plan was in executing that warrant?

13 A. I can recall small things as far as the  
14 main things we would need to know as far as the  
15 location, who we're there for, things of that  
16 nature.

17 Q. Okay. And was the location on Connie  
18 Hariel Road? Do you remember that?

19 A. Yes, sir.

20 Q. Did you drive out there by yourself, or  
21 did you ride with somebody else?

22 A. No, sir, I believe I rode with somebody.

23 Q. Do you remember who you rode with?

24 A. I believe it was in Shane Tucker's  
25 truck, if he was -- yeah, it was in Shane Tucker's

1 truck.

2 Q. So Tucker drove. You rode in the  
3 passenger seat with him?

4 A. Best I can recall.

5 Q. Okay. Now, when y'all got there, you  
6 know, do you recall if y'all were the first people  
7 there, or do you recall if somebody, you know, was  
8 there before you?

9 A. In reference to the -- when you ask if  
10 there was anyone else there before us --

11 Q. Did anyone else arrive at his residence  
12 prior to you and Tucker?

13 A. When we arrived -- the whole team  
14 arrived together when we drove up to the house.

15 Q. And were y'all coming in the same  
16 direction, or were y'all all coming in two  
17 different directions; do you recall?

18 A. I believe we were all coming in the same  
19 direction.

20 Q. And to the best of your knowledge, when  
21 you went out there, what was your responsibility?

22 A. My responsibility was an operator within  
23 the team. So I was to go in the house with the  
24 main body of the team.

25 Q. Were y'all in a stack? We'll call it a

1 "stack."

2 A. Yes, sir, you could call it that.

3 Q. Everybody else has said that. That's  
4 why I'm asking you. Was everybody in a stack?

5 A. Yes, sir.

6 Q. Do you recall who was the point man or  
7 front of the stack?

8 A. I believe Officer Edgar was.

9 Q. And do you recall where you were in the  
10 stack?

11 A. Best I recall, I was either number two  
12 or number three.

13 Q. And if you were number three, who would  
14 have been number two, to the best of your  
15 knowledge?

16 A. I'm not really sure. I may have been  
17 number two.

18 Q. Okay. Do you recall whether Tucker was  
19 in front of you or behind you?

20 A. I do not recall.

21 Q. Okay. But if Edgar was first and you  
22 were two, he was somewhere behind you?

23 A. I would assume so.

24 Q. Okay. He couldn't have been in front of  
25 you if you were second; right?

1                   A.    Best I can recall, I was either second  
2    or third, but I don't recall Shane Tucker being in  
3    front of me.

4                   Q.    Do you recall Shane Edgar being in front  
5    of you?

6                   A.    Yes.

7                   Q.    Are you certain that he was the first  
8    one that entered?

9                   A.    Best I can recall.

10                  Q.    And when y'all all parked and got in the  
11    stack and approached the door, tell me exactly  
12    what you recall from the time y'all approached the  
13    door until the time y'all went inside the  
14    residence.

15                  A.    So we drove in. Everyone exited their  
16    vehicles. We approached the door. When we got to  
17    the door, I wasn't in the front, so I don't know  
18    exactly what happened in front of Captain Edgar.  
19    But we got to the door and made contact with the  
20    door, announced ourselves and made entry into the  
21    house. Would you like me to keep going?

22                  Q.    I'll just ask you a follow-up question  
23    on that and I'll let you keep going. From the  
24    time y'all got to the door until the time y'all  
25    went in the house, about how many seconds went by?

1 A. I would say around five to ten seconds.

2 Q. Okay. And then Officer Edgar went in  
3 the door. You followed in behind him?

4 A. Yes, sir.

5 Q. Do you recall whether or not you went to  
6 the left or you went to the right?

7 A. Are you asking if I went to the left?

8 Q. Yes.

9 A. I went to the left.

10 Q. Did you go to the left alone, or do you  
11 recall if somebody else went to the left with you?

12 A. I was the first one to the left.

13 Eventually someone came with me.

14 Q. Okay. And do you recall if that was  
15 Officer Tucker?

16 A. I can't recall because I was focused on  
17 what was in front of me.

18 Q. Okay. Do you recall if anybody knocked  
19 on the door?

20 A. I can't recall.

21 Q. Can you recall whether or not this was a  
22 no-knock warrant?

23 A. I can't recall that, either.

24 Q. When y'all do these operations plans, if  
25 it's a no-knock warrant, is that something y'all

1 usually would discuss?

2 A. It would usually be discussed in the  
3 meeting.

4 Q. And do you recall it being discussed in  
5 this meeting?

6 A. I can't recall. Sorry.

7 Q. Do you recall how the door was breached?

8 A. I can't recall.

9 Q. Do you know if there was any force used  
10 to open the door?

11 A. I can't recall that.

12 Q. Okay. When's the first time you made  
13 contact with Mr. Peterson?

14 A. When I came through the door, I saw  
15 Mr. Peterson laying on the couch. He sat up and  
16 went to go grab something, and then I moved to the  
17 left to cover the kitchen and the hallway as the  
18 rest of the team came in.

19 Q. All right. Say that again. I'm sorry.

20 You saw Mr. Peterson. He was laying on the couch?

21 A. Yes, sir.

22 Q. Was he asleep?

23 A. I don't know.

24 Q. But when you first observed him, he was  
25 laying down on the couch?

1           A.    When I came in the house, best I can  
2 recall, yes, sir.

3           Q.    Then you moved to the left to, we'll  
4 call it, secure the area. And what did you see at  
5 that point in time?

6           A.    When I moved to the left, I was facing  
7 the kitchen and the hallway that was leading to a  
8 bedroom. And my focus was fixated toward that  
9 area in case someone else was in the house.

10          Q.    Okay. Did you observe Officer Edgar  
11 interact with Mr. Peterson?

12          A.    No.

13          Q.    So you didn't see anything that happened  
14 from the time Officer Edgar approached  
15 Mr. Peterson and Mr. Peterson being on the floor?

16          A.    When I went in, I moved to the left, and  
17 they moved towards Mr. Peterson, who was sitting  
18 up on the couch and grabbing something. And when  
19 I went to the left, I was covering the kitchen and  
20 the hallway that was leading to the bedroom.

21          Q.    So Mr. Peterson, he sat up. Did he ever  
22 stand up that you can recall?

23          A.    Not that I can recall. It happened  
24 really fast. And when I transitioned to the left,  
25 I was focused on that area.

1           Q.    Okay.  Did you ever recall anybody  
2  saying anything to Mr. Peterson at that point in  
3  time?

4           A.    Nothing specific that I can recall.

5           Q.    Okay.  And when you say they approached  
6  Mr. Peterson, who were you referring to  
7  specifically other than Officer Edgar?

8           A.    I know that Captain Edgar approached  
9  Mr. Peterson when he sat up.  I'm not sure who  
10 else approached him.  I went to the left, some  
11 went to the right, and then eventually some came  
12 with me to the left.

13          Q.    Okay.  From the time that y'all walked  
14 in the front door and saw him laying on the couch  
15 until the time that Officer Edgar had approached  
16 Mr. Peterson, can you just give me your best  
17 estimate about how many seconds might have went  
18 by?

19          A.    Maybe five to ten seconds.  It happened  
20 really fast.

21          Q.    And were all of y'all's weapons drawn at  
22 that point in time when y'all opened the door?

23          A.    I can't say for everyone.  I can tell  
24 you mine was.

25          Q.    Do you recall what kind of weapon you

1       were carrying that day?

2           A.    Best I can recall, I had my sidearm.

3           Q.    Would that be a pistol?

4           A.    Yes, sir.

5           Q.    Do you recall seeing anybody that had a  
6       long gun drawn?

7           A.    I can't recall.

8           Q.    Do you recall if anybody was wearing a  
9       body camera that day?

10          A.    I can't recall that, either.

11          Q.    Do you know if you were wearing one that  
12       day?

13          A.    Best I recall, I believe I was not.

14          Q.    Were you equipped with one?

15          A.    Can you elaborate as far as --

16          Q.    In, let's just say, your law enforcement  
17       duties, did you have a body camera on? Did you  
18       wear a body camera?

19          A.    Yes, sir, on patrol.

20          Q.    So normally you had a body camera on?

21            MR. MARTIN: Object to the form. You  
22       can answer if you know.

23          A.    Say that again.

24       BY MR. HOLDER:

25          Q.    Normally you would wear a body camera?

1           A.    While on patrol.

2           Q.    Okay. Well, what was your percentage of  
3    being on patrol versus not being on patrol?

4           A.    My main duty's as a patrol supervisor.

5    So I work my regular patrol schedule, and if I'm  
6    needed and there's a call-out, then --

7           Q.    And in your main duties as patrol  
8    supervisor, you are wearing a body cam; is that  
9    correct?

10          A.    Yes, sir, most of the time.

11          Q.    Do you recall if there was any mandates  
12    or policies and procedures in place instructing  
13    officers when they were required to wear one?

14          A.    At that time, I can't recall.

15          Q.    Okay. What about now?

16          A.    Yes, sir.

17          Q.    What is the policy and procedure now?

18          A.    I couldn't tell you verbatim.

19          Q.    Well, don't tell me verbatim, then.

20    Tell me what your understanding is of what the  
21    policy and procedure is on body cameras.

22          A.    The best I can recall from the policy is  
23    that when dealing with traffic stops, domestics or  
24    any type of hot call, we're required to have our  
25    cameras recording.

1                   Q.    What about executing search warrants; do  
2 you know?

3                   A.    I don't recall. I'd have to refer back  
4 to the policy.

5                   Q.    Are y'all trained on these? Are y'all  
6 tested on them?

7                   A.    Can you elaborate as far as "tested"?

8                   Q.    I mean, do y'all have to basically  
9 exhibit an understanding of what the policies and  
10 procedures are?

11                  A.    Yes, sir.

12                  Q.    And how is that done? Is that done  
13 through written test?

14                  A.    The policies and procedures are provided  
15 to new hires when they come to the sheriff's  
16 department. And if anything is updated or edited,  
17 then it is published to the whole department.

18                  Q.    And y'all are required to read them?

19                  A.    Yes, sir.

20                  Q.    Are y'all required to abide by them?

21                  A.    Yes, sir.

22                  Q.    They're not optional?

23                  A.    No, sir.

24                  Q.    Okay. Do you recall how many officers  
25 were out there that day at Mr. Peterson's house?

1 A. No, sir, I can't.

2 Q. Do you recall what kind of firearm  
3 Officer Edgar was carrying?

4 A. No, I can't.

5 Q. All right. So after you approached the  
6 kitchen, tell me what you did after that.

7 A. After I approached the kitchen -- my  
8 focus was headed toward the kitchen. The best I  
9 can recall, there was a hallway leading to a  
10 bedroom. I didn't know if anyone else was inside  
11 the house. Once I had more people with me, I then  
12 proceeded to clear the kitchen, the hallway and  
13 the bedroom.

14 Q. And about how long did that take you,  
15 you think?

16 A. Maybe 30 seconds.

17 Q. Okay. And I believe you testified  
18 earlier that somebody also came in that area of  
19 the house behind you?

20 A. Yes, sir. I didn't go alone.

21 Q. But you were the first person that went  
22 to the left; right?

23 A. Yes, sir.

24 Q. And after the area was cleared, did you  
25 go outside or did you come back in the living

1 area; do you recall?

2 A. Well, I had to come back through the  
3 living area to get outside. But, yes, sir, I came  
4 back through the living area, and then at some  
5 point I went outside.

6 Q. And when you came back to the living  
7 area, was Mr. Peterson still in there or was he  
8 already outside?

9 A. I can't recall.

10 Q. Did you ever see him on the floor in the  
11 living area?

12 A. I can't recall that.

13 Q. Did you ever see him bleeding?

14 A. I can't recall that.

15 Q. When you went outside, what did you do  
16 then?

17 A. Best I can recall, I went outside. I  
18 may have taken my vest off and put it in the truck  
19 and then assisted with conducting the search  
20 warrant.

21 Q. So you went back inside?

22 A. I believe so. I may have went back  
23 inside, yes, sir.

24 Q. Were you inside when they had  
25 Mr. Peterson come unlock the safe in the bedroom?

1 A. I can't exactly recall.

2 Q. Do you recall seeing a safe?

3 A. I believe so, but I'm not completely  
4 sure.

5 Q. Okay. Do you recall seeing an open  
6 safe?

7 A. I can't recall that.

8 Q. Okay. Do you recall seeing Mr. Peterson  
9 outside?

10 A. I can't really recall. It's a  
11 possibility, but --

12 Q. When you walked into the residence --  
13 and I'm asking you from your point of reference,  
14 not his. So if you're looking at Mr. Peterson and  
15 he was laying on the couch, which way was his head  
16 and which way were his feet? Which way was he  
17 laying on that couch as you're looking at him?

18 A. I'm sorry. I'm trying to -- I'm trying  
19 to remember. I believe his head was to the right.

20 Q. And was there anything between the front  
21 door and the couch?

22 A. Yes, sir.

23 Q. And what was that?

24 A. I believe there was a table and  
25 miscellaneous items on the table.

1                   Q.    And that would have been directly  
2    between the front door and the couch?

3                   A.    From what I remember.

4                   Q.    Okay.  And when Shane Edgar, when he  
5    approached Mr. Peterson, do you recall if he went  
6    around to the left side of the coffee table or if  
7    he went to the right side of the coffee table?

8                   A.    I believe it was the left.

9                   Q.    All right.  Now, after y'all made entry,  
10   secured the scene, performed your search, wrapped  
11   everything up, did you interview with anybody  
12   about the event that took place that day?

13                  A.    No, sir.

14                  Q.    Nobody ever asked you any information to  
15    include in any report or anything like that?

16                  A.    As far as who?  Anyone specifically?

17                  Q.    Anybody.

18                  A.    You say "interview"?

19                  Q.    Yeah.  Whoever the commanding officer  
20   was or the officer responsible for documenting  
21   what happened out there that day, did anybody ever  
22   ask you any questions?

23                  A.    Not from what I can remember.

24                  Q.    Do you recall what Mr. Peterson was  
25   wearing?

1           A.    No, sir.

2           Q.    Did you ever see him when you got back  
3    to the station?

4           A.    I don't believe so.

5           Q.    Did you ever talk to Officer Edgar or  
6    Officer Stachura about what they testified to in  
7    their deposition?

8           A.    Say that again.

9           Q.    Have you discussed with Officer Stachura  
10   or Officer Edgar about what they testified to in  
11   their deposition?

12          A.    I talked to Captain Edgar.

13          Q.    Did he tell you what kinds of questions  
14    were asked?

15          A.    No.

16          Q.    What did y'all talk about?

17          A.    I called him in reference to the  
18    deposition, because I didn't know that I was  
19    supposed to give one. I didn't know that this was  
20    an ongoing thing.

21          Q.    I didn't know you were supposed to give  
22    one, either, out of fairness, Tyler, because we  
23    didn't know who you were until this deposition.

24                  Do you recall the date that you talked  
25    to him? Was it the day of his deposition, or was

1 it the day after; do you know?

2 A. I don't know when his deposition was. I  
3 called him when I was informed that I was supposed  
4 to give a deposition.

5 Q. Okay. Do you recall when that day was  
6 that you called him?

7 A. It's probably been within a week.

8 Q. And he didn't discuss any of his  
9 deposition with you?

10 A. He didn't tell me any questions that  
11 were asked.

12 Q. Did he tell you anything that he said?

13 A. Possibly.

14 Q. What did he tell you?

15 A. I called him when I found out we had to  
16 give a deposition, and I was trying to find out  
17 why I was supposed to be giving a deposition. And  
18 from what I gathered, he recalled that I was  
19 involved with taking Mr. Peterson into custody.

20 Q. Okay. Do you recall taking Mr. Peterson  
21 into custody?

22 A. Everything I've told you is what  
23 occurred.

24 Q. So you didn't have anything to do with  
25 taking him into custody?

1           A.    As far as the search warrant, I was  
2    there; but as far as all the questions you asked  
3    of what I did, is what I did.

4           Q.    You didn't handcuff him?

5           A.    No, sir.

6           Q.    You didn't take him outside?

7           A.    No, sir.

8           Q.    You didn't have any physical involvement  
9    with him?

10          A.    Not that I can remember.

11          Q.    Do you recall if Edgar ever told him he  
12    was under arrest?

13          A.    I can't recall.

14          Q.    Did Edgar tell you -- let me back up for  
15    a second. In y'all's conversation within the last  
16    week, did he mention anything to you about  
17    Mr. Peterson grabbing anything?

18          A.    He may have.

19          Q.    Do you recall if Wallace was handcuffed  
20    when he was inside or not?

21          A.    I can't exactly recall.

22          Q.    Do you recall seeing Sheriff Allison  
23    there?

24          A.    I can't recall.

25          Q.    Okay. Do you know if you ever did --

1       you, personally. I'm not talking about anybody  
2       else, but do you know if you, personally, ever  
3       drafted any report or statement or narrative  
4       insofar as this case is concerned?

5           A.    Not that I can remember.

6           Q.    Would that normally be something you  
7       would do if you're serving on a team that's  
8       executing a warrant?

9           A.    It would depend on certain  
10      circumstances.

11          Q.    Okay. Give me some examples.

12          A.    Depending on my actions and what I did  
13      involving that situation.

14          Q.    If you were involved with apprehending,  
15      you know, somebody -- I don't want to call them a  
16      suspect. We'll just call him a resident -- that  
17      resulted in injury to somebody, would you be  
18      required to do a report at that point in time?

19          A.    Yes. I would most likely do a  
20      supplement.

21          Q.    Do you recall who was responsible for  
22      photographing the scene, any potential evidence,  
23      that type of thing?

24          A.    No, sir.

25          Q.    Was it you?

1 A. No, sir.

2 Q. Did you have any responsibility there  
3 that day other than basically going in, securing  
4 the premises and then just a general search of the  
5 residence?

6 A. No, sir.

7 Q. Okay. So you didn't have any special  
8 responsibility that the majority of the officers  
9 on the scene --

10 A. Other than what -- I've already told you  
11 what I did.

12 Q. You weren't the point man; right?

13 A. No, sir.

14 Q. And you weren't in charge of the  
15 investigation; right?

16 A. No, sir.

17 Q. And you didn't photograph the scene?

18 A. No, sir.

19 Q. And you didn't interview anybody;  
20 correct?

21 A. No, sir.

22 Q. Do you recall if you were ever  
23 interviewed by anybody?

24 A. You already asked me that.

25 Q. I'm asking again because I can't

1 remember what you said.

2 A. No, sir, not that I can recall.

3 Q. Do you recall ever talking to Officer  
4 Stachura about this case this day or shortly  
5 thereafter?

6 A. I may have.

7 Q. But you don't recall?

8 A. No, I can't exactly recall.

9 MR. HOLDER: Okay. Can we go off the  
10 record for just a second?

11 (Off the record.)

12 BY MR. HOLDER:

13 Q. All right. Just a couple of general  
14 questions just to wrap up. When y'all went in  
15 there, were y'all announcing that y'all had a  
16 search warrant?

17 A. The best I can recall.

18 Q. Okay. Well, did you have a copy of that  
19 search warrant with you?

20 A. Not with me.

21 Q. Do you know who did?

22 A. I can't recall.

23 MR. HOLDER: That's all I've got.

24 - - -

25 EXAMINATION

1 BY MR. MARTIN:

2 Q. Sergeant Tate, earlier you said that  
3 about this time you had maybe executed 10 search  
4 warrants prior to this date?

5 A. Give or take. I had been on the SWAT  
6 team for maybe two years.

7 Q. Okay. How many search warrants would  
8 you say you've executed since then?

9 A. It's hard to say.

10 Q. And I don't need an exact figure.

11 A. Maybe the same answer, give or take.

12 Q. Sure. When you have executed, let's  
13 say, around 20 search warrants, are you always in  
14 the same position in each entry?

15 A. No, sir.

16 Q. Okay. Is every SRT member always  
17 present for each search warrant execution?

18 A. No, sir.

19 Q. So it's a fair assessment to say that  
20 membership and position varies?

21 A. Yes, sir.

22 Q. Sergeant, how tall are you?

23 A. 5'6".

24 Q. Okay. Do you know how tall Captain  
25 Edgar is?

1 A. I'm not exactly sure.

2 Q. Is he taller than you?

3 A. Yes, sir.

4 Q. Is he wider than you?

5 A. Yes, sir.

6 Q. Do you remember what kind of entryway  
7 was leading up to Mr. Peterson's residence?

8 A. Yes, sir. Can you elaborate as far as  
9 "entryway"?

10 Q. Like, what did Mr. Peterson's door look  
11 like, and how did you get to his door?

12 A. Yes, sir, the best I can recall, it was  
13 some small steps leading up to a standard trailer  
14 door.

15 Q. Prior to entry, were you standing on one  
16 of the steps or standing on the ground?

17 A. I can't exactly recall.

18 Q. Where were you standing in relation to  
19 Captain Edgar?

20 A. I was -- I was behind him.

21 Q. And you said once you guys got set, it  
22 was about five to ten seconds before breach. Was  
23 that correct?

24 A. That was five to ten seconds from us  
25 going in until them making contact with

1       Mr. Peterson.

2           Q.    Okay. Explain for me again in that five  
3    to ten seconds, where were you focused.

4           A.    When we approached the door, made entry  
5    into the door, I then went left and was covering  
6    on the kitchen.

7           Q.    Did you pause at any time, or was it  
8    continuous movement?

9           A.    I paused for a few seconds when I got to  
10   the kitchen.

11          Q.    Had you paused at any time prior to  
12   getting to the kitchen?

13          A.    Not that I can recall. Once I got to  
14   the kitchen, I paused so that I would not proceed  
15   by myself into the rest of the house.

16          Q.    During that pause, did you turn your  
17   focus onto Captain Edgar while he was arresting  
18   Mr. Peterson?

19          A.    Not exactly that I can recall.

20          Q.    Do you remember who joined you to press  
21   forward into the rest of the residence?

22          A.    I can't recall.

23          Q.    And you said that that process of  
24   clearing took about 30 seconds; is that correct?

25          A.    Give or take, yes, sir.

1           Q.    Explain to me clearing.  What did you do  
2  during that process?

3           A.    So once I had additional support, I  
4  cleared the kitchen to make sure no one else was  
5  in there and then down the hallway.  And I can't  
6  recall if there was any closets or a bathroom, but  
7  whatever other rooms and then, the best I can  
8  recall, a bedroom at the end of the hallway just  
9  to make sure no one else was in the house, make  
10  sure we could secure the scene and make sure  
11  everything is safe.

12          Q.    Did you at any point in time discover  
13  anybody else in the house?

14          A.    Not that I can recall.

15          Q.    As this process of clearing is going on,  
16  are you announcing yourself in any way?

17          A.    Yes, sir.

18          Q.    And what are you saying, when do you say  
19  it, stuff like that?

20          A.    Usually when we go into a new area of  
21  the house, I would announce myself, "sheriff's  
22  department."

23          Q.    And if you found no one to be in that  
24  room, would you say anything?  Would you announce  
25  that to anyone else?

1                   A.     Before going in the room?

2                   Q.     No. After the room is clear, like,  
3     would you say anything?

4                   A.     Sometimes I would let the other team  
5     members know that it was clear.

6                   Q.     And how would you do that? What would  
7     you say?

8                   A.     Tell them it was clear.

9                   Q.     Did you hear at any point in time during  
10    this day other officers uttering anything, saying  
11    anything?

12                  A.     I did, but I couldn't tell you exactly  
13    what it was.

14                  Q.     Was there anything that you heard that  
15    suggests to you that the house was unsafe?

16                  A.     Not that I can recall.

17                  Q.     After you cleared your side of the  
18    trailer, where did you go after your rooms were  
19    clear?

20                  A.     After I cleared the left side of the  
21    trailer, I would have made my way back toward the  
22    living room.

23                  Q.     When you got back to the living room, do  
24    you remember seeing Mr. Peterson?

25                  A.     I can't recall.

1 Q. When you got back to the living room, do  
2 you remember seeing Sheriff Allison?

3 A. I can't recall.

4 Q. Do you remember seeing Sheriff Allison  
5 at any point in time that day?

6 A. I can't recall that.

7 Q. Did you see Captain Edgar handcuff  
8 Mr. Peterson?

9 A. No.

10 Q. Did you see any other officer handcuff  
11 Mr. Peterson?

12 A. No.

13 Q. Did you ever see any officer hit  
14 Mr. Peterson?

15 A. No.

16 Q. Did you hit Mr. Peterson?

17 A. No.

18 Q. On this particular date, were you in  
19 your capacity as a patrol supervisor?

20 A. No, sir.

21 Q. When you're a patrol supervisor, do you  
22 dress differently than when you're on SRT?

23 A. Yes, sir.

24 Q. Explain the difference in those outfits,  
25 for lack of a better word.

1                   A.    When I'm a patrol supervisor, I'm  
2 working my regular patrol shift, I would have our  
3 regular patrol uniforms, which would be the navy  
4 blue shirts and the dark colored pants. Then I  
5 would have a belt and maybe an outer vest that  
6 would look professional and be the same color.

7                   SRT, then I would have either green BDUs  
8 or multi-cam BDUs and a different belt and a  
9 different tac vest on.

10                  Q.    And if you weren't wearing your patrol  
11 uniform that day, were you wearing your SRT  
12 uniform?

13                  A.    Best I can recall.

14                  Q.    Those SRT uniforms, is it standard for  
15 you to have a body cam on while wearing that  
16 uniform?

17                  A.    No, sir.

18                  Q.    You mentioned earlier that whenever you  
19 enter, you're focused on what is in front of you.  
20 What's the importance in that?

21                  A.    In relation to where I was at in the  
22 house or --

23                  Q.    Yes, at any point in time you enter and  
24 you say you focus on what's in front of you, why  
25 do that?

1           A. Well, it depends on where I'm at. I was  
2    in the front, so that's why I was focused mainly  
3    toward the front, because there was no one else to  
4    the left in the house.

5           Q. And at that point in time, that's when  
6    you pressed on to clear?

7           A. Yes, sir, after I had support.

8           MR. MARTIN: No further questions.

9           MR. HOLDER: I don't have anything else.

10           - - -

11           (Deposition concluded at 3:51 p.m.)

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## CERTIFICATE OF COURT REPORTER

2

I, NATALIE R. SEYMOUR, Court Reporter and  
Notary Public, in and for the County of Harrison,  
State of Mississippi, hereby certify that the  
foregoing pages, and including this page, contain a  
true and correct transcript of the testimony of the  
witness, as taken by me at the time and place  
heretofore stated, and later reduced to typewritten  
form by computer-aided transcription under my  
supervision, to the best of my skill and ability.

11

I further certify that I placed the witness  
under oath to truthfully answer all questions in  
this matter under the authority vested in me by the  
State of Mississippi.

15

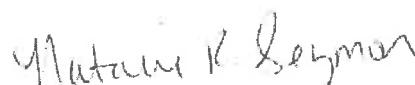
I further certify that I am not in the employ  
of, or related to, any counsel or party in this  
matter, and have no interest, monetary or  
otherwise, in the final outcome of the proceedings.

19

Witness my signature and seal, this the 18th  
day of November, 2021.

21

22



23

24

Natalie R. Seymour, CSR #1637  
My Commission Expires 6/12/2022.

25



1 ERRATA SHEET

2 I, \_\_\_\_\_, do solemnly  
3 swear that I have read the foregoing \_\_\_\_\_ pages  
4 of the testimony given by me at the time and place  
hereinbefore set forth, with the following  
corrections:

5

6 Page: Line: Correction: Reason for change:

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

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14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 NOTARIZATION

18 I, \_\_\_\_\_, notary public  
19 for the State of Mississippi, \_\_\_\_\_  
20 County, do hereby certify that \_\_\_\_\_  
21 personally appeared before me this \_\_\_\_\_ day of  
22 \_\_\_\_\_, 2021, at \_\_\_\_\_, Mississippi.

23 My Commission Expires:

24 \_\_\_\_\_

(NOTARY PUBLIC)

25

(NRS)

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